

**REMARKS/ARGUMENTS**

Claims 1, 4-5, 11 and 14-16 have been amended. Claims 1-2, 4-12 and 14-20 are pending in this application.

Claims 1-2, 4-12 and 14-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,951,031 B2 (Hatano) in view of U.S. Publication No. 2003/0152360 A1 (Mukai et al.).

Independent claim 1, as amended, now recites in part the following:

a controller operable to change the set broadcast time period to a new time period when the predetermined word is included in the character string, wherein the new time period has a termination point later than a termination point of the set broadcast time period and the termination point of the new time period is determined based on the value of the discriminated number sequence;

the controller being operable to time-extend the termination point of the set broadcast time period in response to the value of the discriminated number sequence, in a range not overlapping another set broadcast time period, wherein the controller does not change the set broadcast time period when the termination point of the new time period is later than a starting point of the another set broadcast time period

(emphasis added; see specification, for example, at paragraphs [0065] and [0068] and FIG. 4). Thus, according to the claimed invention, "the formerly set content remains unchanged" by the controller, "when the termination point of the new time period is later than a starting point of the another set broadcast time period."

It is respectfully submitted that the combination of Hatano and Mukai applied by the Examiner does not appear to disclose all of the above-identified features now recited in claim 1. For example, such applied combination of Hatano and Mukai does not appear to specifically disclose a controller which "does not change the set broadcast time period when the termination point of the new time period is later than a starting point of [] another set broadcast time period." (emphasis added).

The Examiner admitted that Hatano does not disclose a controller being operable to extend a termination point of the set broadcast period in a range not overlapping another set broadcast period, as required by claim 1. In addition, the applied portions of Hatano at Col. 16, ln. 40-50 appear to disclose, that the set broadcast time period for a desired program is changed, when the updated broadcast end time (termination point) for the desired program overlaps the set broadcast time period of another program, such that the desired program may be recorded "in a time band that does not overlap" the another program. Nowhere do the applied portions of Hatano appear to disclose or suggest that the controller does not change the set broadcast period when the termination point of the new time period is later than a starting point of the another set broadcast period, as required by claim 1.

The applied portions of Mukai, which appear to merely describe time-extending a termination point of a set program with or without time-extending a starting point of the set program, do not cure the deficiencies of Hatano regarding the requirements of claim 1.

Accordingly, it is respectfully submitted that amended claim 1 is distinguishable from the applied combination of Hatano and Mukai.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claim 11 is also distinguishable from the applied combination of Hatano and Mukai.

Claims 2, 4-10, 12, and 14-20 are dependent from one of independent claims 1 and 11. Accordingly, it is also respectfully submitted that dependent claims 2, 4-10, 12, and 14-20 are distinguishable from the applied combination of Hatano and Mukai for at least the reasons previously described.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 15, 2009

Respectfully submitted,

By 

Davy E. Zonenfisch

Registration No.: 37,267

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant